

Notice of Allowability	Application No.	Applicant(s)	
	09/765,306	KIKUCHI ET AL.	
	Examiner Kim-Kwok CHU	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to RCE filed on 11/12/04.
2. The allowed claim(s) is/are 1-8.
3. The drawings filed on 23 April 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Allowable Subject Matter

1. Claims 1-8 are allowable over prior art.
2. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on the Amendment filed on November 12, 2004.

As in claim 1, the prior art of record fails to teach or fairly suggest an optical pickup having the following elements and means:

- (a) a light source which emits a light beam which is linearly-polarized;
- (b) a collimator lens which collimates the light beam emitted from the light source into a parallel light beam;
- (c) a phase device which changes the polarization of an inner light and the polarization of an outer light so that the inner light and the outer light are circularly polarized and the rotating direction of the inner light polarization is opposite to the rotating direction of the outer light polarization. the inner and outer lights being inner and outer radius portions of the parallel light beam. Respectively; and
- (d) a detector which detects the respective intensities of reflected lights of the inner and the outer lights from the information recording medium to generate error information with regard to the information recording medium.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada et al. (6,574,182) is pertinent because Yamada teaches phase variable means for rotating the polarization of a light beam.

Iida et al. (6,487,160) is pertinent because Iida teaches a phase variable means for rotating the polarization of a light beam.

Kajiyama et al. (6,321,028) is pertinent because Kajiyama teaches phase variable means for rotating the polarization of a light beam.

Tsuchiya et al. (6,167,019) is pertinent because Tsuchiya teaches phase variable means for rotating the polarization of a light beam.

Ootaki et al. (6,078,554) is pertinent because Ootaki teaches a phase variable means for rotating the polarization of a light beam.

5. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks Washington, D.C. 20231
Or faxed to:

(703) 872-9306 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

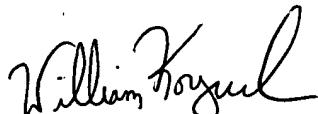
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

KC 12/10/04

Kim-Kwok CHU
Examiner AU2653
December 10, 2004

(703) 305-3032


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600